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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,762	10/09/2000	Eric Sean Parham	066303.0170	3949

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EXAMINER
SHAH, CHIRAG G

ART UNIT	PAPER NUMBER
2664	

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>09 October 2000</u> .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-20</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-20</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5-7</u> .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-8 and 10-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Hamdi

in view of Smyk (WO 00/35157).

Referring to claims 1, 2, 6-8, 10, and 11, Hamdi discloses in pages 104-111 of an

interworking function (IWF), which performs all protocol conversions and data adaptations. An

IWF device may be used to connect two networks or a terminal to a network. IWF provides

signaling adaptation, media control and media adaptation for voice services. In addition, Hamdi

discloses H.323 systems that include three types of equipment: gatekeeper, gateways, and

terminals. Hamdi discloses on page 106 of SS7 network signaling format. The gateway is

responsible for providing all translations necessary for transmission formats and control

procedures between the IP supported portion and the PSTN/ISDN part of hybrid calls as claims.

Thus, Hamdi discloses of a system for interfacing between signaling protocol including gateway

operable to receive signaling information in a message based on a signaling format from a

switch. The gateway receives voice signal for PSTN and places the voice signals into data

packets for transfer to an Internet protocol network with the signaling information. Hamdi fails

to explicitly disclose that the switch is of a Class 5 softswitch. Smyk teaches on pages 8-9 of

incorporating a class 5 softswitch for providing the dial tone, collects the dialed digits and proceed with establishing the call. Smyk discloses on page 8-10, that the class 5 switch is able to provide normal supervision of signaling bits and the class 5 switch and the access gateway are able to proceed in establishing the call without any further involvement from the Service Mangers (SM). Thus, a class 5 softswitch is operable to receive signaling information in a network signaling format such as SS7 and can convert the format to the message based format in order to perform all computations intensive operations. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Hamdi to incorporate deployment of class 5 softswitch as the switch in order to enhance services applications with call requirements that span high traffic volumes and call rates, SS7 signaling.

Referring to claims 5, 14 and 19, Hamdi discloses in pages 106-107 of a signaling adaptation function and teaches that if two different protocols are used in the interconnected networks, the IWF should translate the signaling messages in such a way that the end-to-end call can be completed. Thus, using a H.323 gateway is able to accomplish this. Hamdi explicitly fails to teach a system for interfacing between signaling protocols, wherein the gateway is operable to receive signaling information in a H.248 protocol format. However, Smyk teaches on page 1, line 12-20, page 4, line 25-34, page 7, line 10-17, and page 12, line 26-34 that signaling between the access gateway and the service manager uses the media gateway control protocol (MGCP) or its successor (i.e., H.248). Therefore, it would have been obvious to one skilled in the art to include H.248 as taught by Smyk into Hamdi's invention in order to provide and disclose multiple signaling protocol formats with capability of interworking between network to enhance applicability in various scenarios.

Referring to claims 3, 4, 12, 13, 15, 17, 18, Hamdi teaches on pages 106 and 107 of

signaling adaptation function and specifically that Q.931 signaling messages are processed in the

gateway. Since IP/PSTN gateways are usually seen as administrative boundaries between a

network provider and a network customer, they are connected to the network as terminals. As

further illustrated in figures, 4 and 5 and respective portions of the specification, the data packets

and the signaling information are transferred over a common physical link between gateway 1

and 2 as claims. Hamdi fails to explicitly teach of the switch being a class 5 switch that provides

the gateway with signaling format, wherein the data packets and the signaling information are

transferred over separate logical links. Hamdi also fails to teach that the IP network has no link

to the Class 5 softswitch other than through the gateway. Smyk teaches in the figure and

respective specification that data packets and the signaling information are transferred over

separate logical links since, either an SM or a class 5 switching system may be implemented.

Smyk further teaches that in order or IP circuits to have access to Class 5 softswitch, it must go

through the gateway since the gateway is continually monitoring to detect a call origination as

indicated on page 7. Therefore, it would have been obvious to modify the invention of Hamdi to

include the features of Smyk in order to monitor and easily identify which logical link failure

during an attempt to establish a connection when having separate logical links.

3.   Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Hamdi in view of

Smyk as applied to claim 1-8 and 10-20 above, and further in view of Christie (U.S. Patent No.

6,463,052).

Referring to claim 9, Hamdi in view of Smyk teaches a system further comprising a class 5 softswitch operable to receive signaling information in a network signaling format, the class 5 switch operable to convert the network signaling format to the message based signaling format. Hamdi in view of Smyk fails to teach that of network signaling format is a C7 signaling format. Christie teaches in column 3 of a processing system comprising an interface that is operational to receive and transmit signaling including a translator to identify particular information in the received signaling. Christie further teaches in column 14 and claims 1 and 6 and respective portions of the specification of the translator within the processor being able to convert from S7 to C7 signaling formats. Therefore, it would have been obvious to including having a C7 signaling format as taught by Smyk in order to interoperate and diversify the usability in multiple applications.

Any response to this action should be mailed to:

> Commissioner of Patents and Trademarks
> Washington, D.C. 20231

Or faxed to:

> (703)305-3988, (for formal communications intended for entry)

Or:

> (703)305-3988 (for informal or draft communications, please label "Proposed" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chirag G Shah whose telephone number is 703-305-5639. The

examiner can normally be reached on M-F 7:30 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wellington Chin can be reached on 301-305-4366. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-872-9314 for regular

communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

cgs
March 13, 2003